

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Dominic Marrocco,

Case No.: 2:18-cv-02441-JAD-EJY

**Plaintiff**

V.

David Johnston, et al.,

## Defendants

# **Order Vacating Trial and Directing Entry of Judgment Based on Defendant's Acceptance of Offer of Judgment**

In light of the parties' notice that the defendant has accepted the plaintiff's offer of settlement, resolving all claims by and between these parties [ECF No. 201],

**IT IS ORDERED that the March 14, 2023, jury trial of this case and all related hearings and deadlines are VACATED.**

And with good cause appearing and no reason to delay, the Clerk of Court is directed to

**ENTER PARTIAL FINAL JUDGMENT under FRCP 54(b) in favor of the plaintiff and  
against defendant David Johnson in the amount of \$199,999.**

There remains one unresolved portion of this case—plaintiff’s claims against Equiinet, Inc. The offer of judgment says nothing about this defendant, against whom default was entered on April 19, 2019. *See* ECF No. 80. **Plaintiff has until February 20, 2023, either to move for default judgment against Equiinet, Inc. or ask the court to set aside the clerk’s entry of default against this defendant and dismiss the claims against it.** This case will remain open and active unless and until plaintiff files an appropriate motion.

U.S. District Judge Jennifer A. Dorsey  
February 13, 2023